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01.08.2024

*In The High Court At Calcutta
Civil Revisional Jurisdiction
(Appellate Side)*

C.O. No. 1610 of 2024

**Narayan Debnath
Vs.
Tarun Biswas & Ors.**

Mr. Tulshi Das Ray,
Mr. Tirthankar Roy ... For the petitioner.

The order proposed to be passed in the present application under Article 227 of the Constitution of India would not cause any prejudice to the opposite parties, as such, service of notice of the present application upon the said opposite parties is dispensed with.

The father of the petitioner was the plaintiff of Title Suit No. 154 of 1993, a suit for partition, the said suit was decreed.

The defendants had preferred an appeal, which was dismissed for default, for restoration of it, they have filed an application under Order XLI Rule 19 of the Code of Civil Procedure registered as Miscellaneous Case No. 03 of 2014.

In the meantime, one of the appellants had died and for the failure of the surviving appellants to substitute the heirs and legal representatives of the said deceased appellant in the appeal within the

prescribed period of time, the appeal got abated as against the said deceased appellant.

An application for setting aside the said abatement has been taken out being Miscellaneous Case No. 04 of 2014.

The petitioner is praying expeditious disposal of the said two Misc. cases.

The said Miscellaneous cases since are pending for last 10 years, the appeal Court below is requested to make all endeavour to dispose of the said applications in accordance with law as expeditiously as possible and in doing so, shall not grant any unnecessary adjournment to either of the parties.

C.O. 1610 of 2024 is thus disposed of without any order as to costs.

The petitioner shall communicate this order to the opposite parties.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)